SUPPLEMENTAL EXHIBIT LIST

Exhibit F	Declaration of Nicolas Cesareo
Exhibit G	September 22, 2005 LA Times News Article

EXHIBIT F

Declaration of Nicolas Cesareo

ZANDRA L. LOPEZ
California Bar No. 216567
427 C Street, suite 300
San Diego, Ca. 92101
619.233.3169, ext. 17
fax: 619.684.3522
zll@zandralopezlaw.com

Attorney for **Mr. Nicolas Cesareo**

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE THOMAS J. WHELAN)

UNITED STATES OF AMERICA, Plaintiff,	CASE NO. 08CR0201-W
v.	DATE: May 12, 2008 TIME: 2:00 p.m.
NICOLAS CESAREO, Defendant.	DECLARATION IN SUPPORT OF MOTION TO DISMISS THE INDICTMENT

I, Nicolas Cesareo, declare under penalty of perjury:

1. I am the defendant named in this matter.
2. I was born on September 10, 1986.
3. I came to the United States when I was about six years old.
4. Prior to coming to the United States, I studied one year of kindergarten in Mexico.
5. After entering the United States, I was not placed in school immediately but attended elementary school about one year later and was placed in the second grade.
6. I went up to the ninth grade but did not complete that year of school and dropped

out of high school my freshman year.

7. In September of 2005, I was detained by immigration officials and placed in an immigration facility in Lancaster, California.

8. There were several other people being detained at the Lancaster facility. Several of the people being detained were very upset because they had been detained for many months without being able to see an immigration judge.

9. The inmates were so upset that they contacted the local news media and staged a protest because of the delay in being able to see a judge.

10. On or about September 21, 2005, immediately following the protest and the news coverage, many of the inmates, including myself, were put into a long line.

11. Once I reached the end of the line, I met with an immigration officer that gave me a form and asked me to read it and sign.

12. I was with the immigration officer for less than 5 minutes.

13. On or about the time of my detention, I was 18 years old and turned 19 on September 10, 2005.

14. I did not understand the significance of my rights and the consequences of my signature on the document.

15. At the time I signed the document, I believed that I did not have any relief from deportation.

16. I have never been before an immigration judge.

The above declaration has been read to me in both English and Spanish. The information in the above declaration is based on my knowledge and belief. I swear that, to the best of my knowledge and memory, the foregoing is true and correct.

Dated: May 2, 2008 05·02·08 Cesareo-Nicolas.

Nicolas Cesareo

Ces

EXHIBIT G

September 22, 2005 LA Times News Article

Federal Detainees Stage Sit-In to Protest Delay of Hearings; About 950 men being held at a facility in Lancaster refuse to return to their barracks until officials agree to address the backlog.

[HOME EDITION]

Los Angeles Times - Los Angeles, Calif.

Author:	Amanda Covarrubias and Sam Quinones
Date:	Sep 22, 2005
Start Page:	B.1
Section:	California Metro; Part B; Metro Desk
Text Word Count:	951

Document Text

Upset over delays in deportation proceedings, about 950 federal detainees at the Mira Loma Detention Center in Lancaster refused to return to their barracks for four hours Wednesday until officials assured them that they would address their concerns.

As TV helicopters hovered overhead, the men outfitted in bright orange jumpsuits used bed sheets to spell out the words "Help," "No Violencia" and "Liberty" on the center's lawn. Some inmates lay on the ground to spell out similar words with their bodies.

Dozens of Los Angeles County sheriff's deputies and prison guards in riot gear stood nearby, but the protest never became violent.

The demonstration began at 7 a.m. when detainees refused to return to their barracks after breakfast. Instead, the men sat in the central courtyard, refusing to move until representatives from the U.S. Immigration and Customs Enforcement agency agreed to meet with them to discuss their frustrations with the criminal justice system.

Detainees typically wait from two weeks to a month, and sometimes longer, for a deportation hearing, said Michael Vaughn, a supervisory officer with the immigration agency.

Two immigration judges are assigned to Mira Loma, but as the inmate population has steadily climbed from about 600 to about 950 in recent years, the wait to see a judge has grown longer, he said.

"The courts are backlogged, and they just want to get home," Vaughn said. "They think the length of time to get a hearing with a judge is too long. They wanted to speak to ICE concerning their court dates."

Although detainees can sign a waiver dismissing their right to a hearing and agreeing to immediate deportation, many illegal immigrants are wary of signing documents, Vaughn said. And those who do may have to wait anyway, particularly if the receiving country requires travel documentation or other special circumstances exist, Vaughn said.

The detainees were assured that their concerns over delays would be addressed, although no specifics were given, Vaughn said. After the incident, immigration agency representatives met in the barracks with the detainees, of whom more than 100 agreed to sign a waiver, said Virginia Kice, an agency spokeswoman.

The detention center, with low-slung barracks surrounded by a chain-link fence topped with barbed wire, is located in the Antelope Valley, about 50 miles northeast of downtown Los Angeles. It houses illegal immigrants and noncitizen detainees arrested in a five- county region. The federal government has contracted with the Sheriff's Department since 1996 to hold detainees at the center. Most of them are from Mexico and Central America.

Wednesday's demonstration was the latest in a series of similar protests staged at Mira Loma dating back to 1997. The earlier incidents ended without major problems.

Immigration officials are facing a detention crunch nationwide, partly because of a 1996 federal law that requires all foreign nationals with criminal records and facing deportation to remain in custody until their case can be heard.

Roughly 20,000 illegal immigrants are being detained nationwide, awaiting deportation hearings, Kice said.

The Sheriff's Department contracts with many county jails across the state to hold detainees, she said. Mira Loma, with about 950, is one of the largest, along with centers in El Centro and San Pedro, she said.

The Lancaster court had three judges until late last year when one left, said Greg Gagne, spokesman for the Executive Office for Immigration Review, the Virginia-based federal agency in charge of overseeing 53 immigration courts nationwide.

Nevertheless, the Lancaster court has not experienced any undue waits, Gagne said.

"Its overall hearing schedule is roughly consistent with the other courts in the system," he said. "Their initial hearings are occurring within four weeks of [detainees'] arrival ... This particular court has a reputation of being very diligent at keeping its docket moving along. So I don't know what it's all about. I can't figure it out."

Attorneys who defend Mira Loma clients confirm that description.

"I've never had any prolonged delay," said Paul Medved, a Los Angeles immigration attorney. "They try to move the cases pretty swiftly."

But with only two judges, "the trial dates are further out there than they used to be," said Alejandro Garcia, a Los Angeles immigration attorney who visits Mira Loma three times a week.

In addition, many detainees have been in county jail only briefly and may be eager to waive their rights to a deportation hearing and be sent home, he said. For them, several weeks may seem like a long time, he added.

"They end up doing more time [at Mira Loma] than they ever did in county jail," Garcia said. "They're like, 'Hey man, get me out of here,' especially if they're not going to fight their case."

Credit: Times Staff Writers

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.